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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,865	08/25/2003	Robert J. Wolf	50912US_ (M550.12-0036)	3692
32692	7590	03/22/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/647,865

Applicant(s)

WOLF ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8/25/03.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the first Office Action for application number 10/647,865, Wrist Rest Assembly, filed on 8/25/03. Claims 17-26 are pending. Claims 1-16 were cancelled in a preliminary amendment dated 8/25/03. This case is a divisional of application 09/494,665 (US Pat. 6626403) which is a continuation of application 09/016,996 (US 6494418) which is a continuation of 08/597,323 (US 5713544) which is a continuation of 08/253,510, dated 6/3/1994.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 8/25/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should include the terms "Method of assembling a wrist rest".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5433407 to Rice.

Rice discloses applicant's basic inventive concept, including the method of forming a wrist rest including forming an upper portion of the pad assembly (82) which is elongated longitudinally and has a longitudinally extending side edges, laterally extended end edges and a top surface for supporting a users wrist and a bottom surface, the pad layer extending between the longitudinal edges, forming a lower portion of the pad assembly (84) having a top and bottom surface the width and length conforming generally to that of the pad width and pad length and having edge sections (92a) extending along the bottom surface, and aligning the upper portion and the lower portion so that the top surface of the lower portion supports the bottom surface of the pad layer and the edge sections (92a) of the lower portion extend laterally beyond the longitudinally extending side edges of the pad layer, wherein the bottom surface of the lower portion defines a bottom surface of the pad assembly, and forming a base (86) which has a generally flat support surface and has a longitudinally extending edge (92b) projecting upwardly and aligning the pad assembly with the base so that the support surface of the base removably and slideably supports and can be securely attached

(See Col. 7, lines 40-43 for securing methods) the bottom surface of the lower portion of the pad assembly and the edge supports on the support surface projection above the entire extend of the edge sections of the lower portion. Rice also teaches providing a device support portion (105) projecting therefrom and aligning an input device to be operated by a users hands on the device portion and selecting a plurality of height alignment positions between the lower portion of the pad and the base, by adding or removing more of the lower pad assembly (84).

Rice does not show that the embodiment above as forming a gel layer in the pad assembly, but shows the gel layer being formed in another embodiment, showing a pad assembly (110) including a non-liquid gel layer with a tubular flexible layer having ends and sealing the ends to retain the gel (See Col. 8, lines 45-50) for gel layer description). Rice also shows in this embodiment that a soft outer flexible cover layer (114) is secured over the gel layer and affixed to the core (See Col. 8, lines 50-65 for flexible cover description. Both used to form a comfortable and resilient rest for the wrist. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of the other embodiment in Rice to have formed the wrist rest with these method steps which include forming a gel layer and then securing the flexible cover to the gel layer as described above in order to have formed a comfortable and resilient rest for the wrist.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5433407 to Rice as applied to claims 17, 21 and 22 and further in view of United States Patent No. 4287657 to Andre et al.

Rice discloses applicant's basic inventive concept, all of the method steps as shown above with the exception it does not teach that the flexible cover fabric tensioned over the top surface of the pad assembly.

Andre et al. shows fabric covering (3) tensioned over a pad assembly (15), (See Col. 1, lines 10-13), used so that the fabric lies flat on the intended padding. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Andre et al. to have used the method of tensioning the fabric cover over the padding as taught by Rice, in order to have the fabric lie smooth and flat on the padding.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4976407 to Schwartz et al.

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications).

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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.

  
AJS

Amy J. Sterling  
3/17/04



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER